



Town of Amherst, NH
BOARD OF SELECTMEN MEETING MINUTES
Barbara Landry Meeting Room
2 Main Street
Monday, May 23, 2016

1. Call to Order

2. Non-Public Session (b)

Chairman Dwight Brew called the non-public meeting to order at 6:00 p.m.

Attendees: Chairman Dwight Brew, Vice Chairman Reed Panasiti, Selectmen Tom Grella, Nate Jensen, and Peter Lyon. Also present: Town Administrator, Jim O'Mara.

Pursuant to NH RSA 91-A:2, II (b), Chairman Brew moved, second by Selectman Jensen to enter into non-public session at 6:00 p.m. Roll Call: Brew-yes; Jensen-yes; Lyon-yes; Panasiti-yes. Vote was unanimous, 5-0. The Board of Selectmen and Town Administrator, Jim O'Mara, discussed the hiring of a public employee. Selectman Panasiti moved to exit non-public session at 6:30 p.m. Second by Selectman Grella. Motion passed unanimously, 5-0.

Chairman Brew stated that in non-public session no motions were made and no votes were taken.

Chairman Brew called the public meeting to order at 6:32 p.m. Attendees: Chairman Dwight Brew, Vice Chairman Reed Panasiti, Selectmen Tom Grella, Nate Jensen, and Peter Lyon. Also present: Town Administrator, Jim O'Mara, and Suzanne Beauchesne taking minutes.

3. Pledge of Allegiance – Resident, Steven Berube, led the pledge.

Chairman Brew opened time for public comment. No one came forward.

4. Public Hearing – Courthouse Road Property Acquisition

Selectman Grella moved, second by Vice Chairman Panasiti, to open the second public hearing on the acquisition of property on Courthouse Road, Map/Lot 016-024-005. Motion passed unanimously, 5-0.

Dick Lefebvre asked if the Board decided to accept the property, as is, who would be responsible for the cost in completing the park. Gorden Leedy, landscape architect, and a member of the Amherst Land Trust, said the plan is to complete the playground by the end of the week and have a

36 soft opening to use the playground. Fencing, the brick patio, shed and grading will take longer.
37 Mr. Leedy said the Amherst Land Trust (ALT) doesn't want to own an operating playground and
38 would prefer the town accept the property whole, recognizing that the ALT intends to complete all
39 plans for which funds were raised. Chairman Brew stated that the ALT was responsible for
40 following all town zoning ordinances.

41
42 Andrea Bowers said she served on the playground committee since the beginning. She has a three
43 year old and a five year old and is very familiar with the playgrounds in the area. She said this is
44 by far the best playground in the area. It is the safest and most comfortable and will serve the
45 community very well, and many have put their hearts and souls into this project in memory of
46 Joshua Savyon. Lisa Kaveney said hundreds of people have given to this project and urged the
47 Board to accept it.

48
49 Selectman Grella moved, second by Selectman Jensen, to close the public hearing. Motion passed
50 unanimously, 5-0. Selectman Lyon said he did not want to dismiss the comments from abutters
51 and tried to put himself in their shoes in making his decision. The outpouring of support for the
52 project has been amazing, and he will vote in favor of the proposal. Selectman Jensen said that he
53 was unhappy that the concerns raised by the abutters had not been resolved and felt their concerns
54 should have been addressed more constructively. He intends to support the proposal and thanked
55 the ALT. Vice Chairman Panasiti said he listened to both sides. He thanked the ALT and
56 volunteers and donors who have done an excellent job. He did question the timing for opening the
57 playground.

58
59 Selectman Grella said he accepts the proposal but wants five items completed at no cost to the
60 town: fencing, driveway, irrigation, restroom, planting. He said the town gets a gift and is
61 protected from any expenses. Chairman Brew said he believes that all voices were heard and the
62 Board can now vote on what is best for Amherst as a whole. He strongly supports the acquisition.

63
64 Gordon Leedy and Sally Wilkins responded to questions regarding the opening of the playground,
65 machinery, parking, grading and fill. Selectman Lyon moved, second by Selectman Grella, to
66 accept the acquisition of the property located on Courthouse Road, Map/Lot 016-024-005, as a gift
67 from the Amherst Land Trust pending upgrades to include fencing, driveway, irrigation, restroom,
68 and plantings effective on May 27th. Motion passed unanimously, 5-0. Selectman Lyon moved,
69 second by Vice Chairman Panasiti, to authorize Town Administrator, Jim O'Mara, to sign all
70 related documents. Motion passed unanimously, 5-0.

71
72 Chairman Brew took up **Agenda Item 5, Lions Club Presentation**

73
74 Charlie Vars of the Lions Club rose along with Joan Ferguson to present a gift of \$2,500 to the
75 Amherst Fire Rescue for the purchase of 50 luminescent jackets to replace those gifted ten years
76 ago which have become worn out. Mr. Vars said that the Lions Club is the largest in the district
77 and listed a number of ways the Lions Club has assisted many community members who are less
78 fortunate.

79 80 **Public Hearing – Ponemah Road Property Acquisition**

81
82 Selectman Jensen moved, second by Vice Chairman Panasiti, to open the public hearing on the
83 Ponemah Road Property Acquisition. Motion passed unanimously, 5-0. There were no public
84 comments. Selectman Jensen moved, second by Vice Chairman Panasiti, to close the public

85 hearing. Motion passed unanimously, 5-0. Selectman Jensen moved, second by Vice Chairman
86 Panasiti, to accept the four acres of landlocked property located at Map 3, Lot 36-4 on Ponemah
87 Road. Motion passed unanimously, 5-0. Selectman Lyon moved, second by Selectman Grella, to
88 authorize Town Administrator O'Mara to sign all related documents. Motion passed unanimously,
89 5-0.

91 **Public Hearing – Revised OHRV Ordinance**

92
93 Administrator O'Mara said changes to the Off Highway Recreational Vehicles (OHRV) ordinance
94 make the trails more “bike-friendly” and allow the Conservation Commission to control where
95 bicycles are allowed. Selectman Jensen moved, second by Selectman Lyon, to open the public
96 hearing on revising the OHRV. Motion passed unanimously, 5-0. There were no public
97 comments. Selectman Jensen moved, second by Vice Chairman Panasiti, to close the public
98 hearing. Motion passed unanimously, 5-0. Selectman Jensen moved, second by Selectman Lyon,
99 to accept the revised OHRV ordinance as written. Motion passed unanimously, 5-0.

101 **5. Lions Club Presentation – taken up earlier**

103 **6. Updates**

105 **6.1 Quarterly Reports: Library, Recreation, Fire Rescue**

107 **Library:** Amy Lapointe, Librarian, provided the following information in her quarterly report [a
108 copy of the full report is included at the end of these minutes].

- 110 • Winter is the library's busiest time for adults programs. Highlights this winter included a
111 sell-out lecture on “the art of the con” with Anthony Amore, from the Isabella Stewart
112 Gardner Museum. A lecture with a Harvard University professor on the wonder of Pi (on
113 March 14th) brought out a lot of math buffs.
- 114 • So far this fiscal year, the library has had 43 programs reaching 2500 adults.
- 115 • Programming for the kids is ongoing five days a week. Fiscal year to date, the library has
116 offered about 350 programs for 6800 kids.
- 117 • Overall circulation is down slightly. The most aggressive drop is media, specifically
118 DVDs. Digital media circulation is up.
- 119 • New patron registration is also up which probably corresponds to the real estate market.
- 120 • Technology remains an essential focus.
- 121 • Continue to see an increase in digital media circulation.
- 122 • Increased emphasis on staff training.

123
124 Ms. Lapointe said much of the library success is dependent on relationships with other groups and
125 they are particularly indebted to the Friends of the Library this year. Friends funded two interior
126 projects and paid for the library's new café area. Librarian Lapointe asked the Board to like the
127 library on Facebook, come in to see the Student Art Show, and stay tuned for details about the
128 summer reading program for all ages.

129
130 Vice Chairman Panasiti said he has heard that the library is loud. Ms. Lapointe said that quiet
131 space is a challenge and they continue to find a resolution. In response to Selectman Grella, Ms.
132 Lapointe said the newsletter goes to about 3,000 people. Selectman Lyon said the library “is a
133 gem”. All Board members agreed.

Recreation: Craig Fraley, Recreation Director, said his department has been quite busy. The Baboosic Lake Beach program numbers for both camp and swim lessons are currently up 20 percent from 2015. To date, they have sold 105 beach passes. In 2015, 144 total passes were sold and in 2014, 88 were sold. Adult trips have been a huge success with many selling out. Destinations have been: Boston Flower Show, Garden in the Woods, Monthly Diner Trips, to name a few. A family trip is being planned to see the Red Sox on June 21st.

Director Fraley said Maker Space classes have been going really well with most classes selling out. A Maker Space board has been established and the group is working on creating a membership program that allows access to equipment in the STEM wing at the Middle School. This is the first Maker Space program in the state where a public facility has partnered with a Recreation Department.

Director Fraley said the '02 account revenue is \$285,412 and expenses at \$218,269 and he is still working on the '03 account. Also, his department and the Amherst Conservation Commission have been working with the Nashua Regional Planning Commission on a mapping program that will allow a mapping app for smart devices to be used on the trails to the park. They are in the process of updating the mapping of Joe English trails and loading the points of interests. Other items that Director Fraley reported are:

- Baboosic Lake Property: Recreation Department approved the idea of the proposal for Baboosic Lake Road
- Pump Track Designer: Awaiting Design
- Disc Golf Course Proposals: 2 proposals in, expecting the third any day
- Garage doors are installed on the barn and working to get the well working for water on site. Need a site name. One suggestion is Quarry Park.
- Bean Field: Another wash well was installed to keep water pressure up on the complex. The field is experiencing too much use. There are eight different field markings on the three fields. Demand for fields continues to increase and the need for additional fields is there.
- Skating Rink was successful. Minor damage to the Davis Lane courts. The company is aware of the issue and will repair at some point this summer. Recreation Department offered ice skating lessons for beginners through intro to hockey. 60 kids were involved in the programs.
- The ski program doubled in size, having 50 kids participating in the Thursday Night Lights program and Director Fraley anticipates growth in 2017.

Fire Rescue: A copy of Fire Chief Matt Conley's quarterly report is included at the end of these minutes. Highlights include:

- Calls for service total 363: 239 EMS and 124 Fire
- The report included a breakdown of various education and training programs completed or nearly completed by staff
- Fire Prevention breakouts: 84 inspections and plan reviews; 29 permits issued; 12 fire drills; 20 information/consults provided; 10 car seats

Chief Conley also listed a number of projects and events undertaken by his department. Vice Chairman Panasiti asked about renovating the 2nd floor. Chief Conley said the specs provided were not “what we needed”. He responded to a number of questions from the Board about the ambulance service. Chairman Brew asked that the Chief develop a schedule for getting the second floor completed. Chief Conley will provide a schedule at the Board’s next meeting.

Chairman Brew moved up consideration of **Agenda Item 8.2 EMPG Grant Update.** Fire Chief Conley, joined by AFR Deputy Chief Brady and Police Chief, Mark Reams, sought the Board’s acceptance of an Emergency Management Performance Grant (EMPG) to convert the police and fire radio systems to a fixed repeater system. Brady explained that the current radio network is simplex which means someone using a radio can only be heard by other users that are within the broadcast area of that radio. With this conversion, Amherst Police and Fire Rescue will be able to communicate from unit to unit without the need to have dispatch relay. The entire project is \$97,758.81 with 50 percent, or \$48,879.00, being covered with grant funds. The grant agreement must be signed by the majority of Board members before it will be reviewed by the Governor & Council (G&C) for final approval and then the project can begin. Deputy Chief Brady expects it to come before G&C at its July meeting. Chief Reams noted what a “great job” Deputy Chief Brady has done on the project.

Selectman Jensen moved, second by Vice Chairman Panasiti, to accept the EMPG grant in the amount of \$48,879. Motion passed unanimously, 5-0. Selectman Lyon moved, second by Selectman Jensen, to authorize the withdrawal of \$48, 879.81 from the Communications Capital Reserve Funds. Motion passed unanimously, 5-0.

6.2 Finance Software

Finance Director, Lisa Ambrosio, stated that there have not been any changes made to the schedule she provided about a month ago. She reminded the Board that she still did not have a date for the tax implementation phase and the employee self-service portal has been postponed until sometime towards the end of the fiscal year. Director Ambrosio said that training continues on other portions of the HR module. Mary Guild is in training this week learning about the open enrollment – benefit selection web interface. Director Ambrosio reported that Springbrook offered a week of additional onsite training with their project manager and town will only be required to cover the trainer’s travel time. She said she will review any final adjustments needed for payroll and provide for direct time to review the core financial implementation. Director Ambrosio said that progress continues towards finalizing the first two phases of this four phase implementation plan excluding tax. Selectman Jensen asked if the program is providing the functionality expected and how much has been spent to date that was budgeted for this software update. Director Ambrosio said the program definitely provides greater functionality and will provide a cost breakdown at the next Board meeting.

Chairman Brew then took up **Agenda Item 8.1 Art.31 Conservation Land**

Chairman Brew indicated that in February the town had the option to purchase 227 acres of undeveloped land between Spring, County and Upham Roads for \$1 million. In March, voters passed Article 31 which appropriated \$450,000 toward the purchase. \$50,000 was to come from the Conservation Commission and \$500,000 from the Piscataquog Land Conservancy (PLC). The PLC and the town established that the property was worthy of conservation, and signed a Purchase

and Sale agreement (P&S). The sellers chose not to sign the P&S so the project will not be going forward. Administrator O'Mara said there was no tax impact, no money collected or returned.

6.3 Stormwater

Town Administrator O'Mara indicated that on April 13, 2016 EPA issued its final general permit applicable to all "Small MS4 Communities" for Massachusetts, creating a host of new regulatory mandates and discharge prohibitions. EPA's response to comments basically rejected all of the legal/regulatory issues raised by the New Hampshire Stormwater group comments – confirming that New Hampshire communities may expect to receive an identical permit. A challenge to EPA's illegal rule amendments is necessary at this time to prevent imposition of the same provisions in the NH MS4 permit. The estimated cost of federal litigation is projected at \$300,000 and may be shared equitably among the coalition communities. Amherst had previously authorized the expenditure of funds toward this effort. Administrator O'Mara asked the Board to reauthorize a larger amount and he will find out what the shared expense is expected to be. Selectman Jensen asked if NH, like Massachusetts, would have 120 days to appeal. Administrator O'Mara said he didn't know but would find out.

6.4 Matrix/DPW Recommendations

Administrator O'Mara stated that he and DPW Director Berry are going through the recommendations and handling the "low hanging fruit". Crews now fill out tasks every day including materials used and hours logged. The search for a Deputy Director continues.

7. Board Goals Review – included in the Board packet.

Chairman Brew mentioned that Kinder Morgan has formally withdrawn its FERC application. Vice Chairman Panasiti noted that this does not mean that Kinder Morgan cannot file a new application for a similar pipeline in the future; however, they would have to start all over at the beginning of the FERC process if they do so.

8. Town Administrator

8.1 Art. 31 Conservation Lane – taken up earlier

8.2 EMPG Grant Update – taken up earlier

8.3 Fireworks Permit

Selectman Jensen moved, second by Selectman Grella, to authorize Atlas selling Permissible Class C fireworks in town and agree to sign the permit granting said authority. Motion passed unanimously, 5-0.

8.4 Hawkers & Vendors Application

Selectman Lyon moved, second by Selectman Jensen, to grant hawkers and vendors permit to Brian Thompson to sell door-to-door financial services from May 23, 2016 through May 22, 2017 from Monday through Friday, 9:00 a.m. to 5:00 p.m. with holidays excepted and authorize the Chair of the Board to sign said permit. Motion passed unanimously, 5-0.

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279 Selectman Grella moved, second by Selectman Jensen, to grant hawkers and vendors permit to
280 Adam Rodloff to sell door-to-door solar panels and solar energy production from May 23, 2016
281 through May 22, 2017 from Monday through Friday, 9:00 a.m. to 5:00 p.m. with holidays excepted
282 and authorize the Chair of the Board to sign said permit. Motion passed unanimously, 5-0.
283

284 Selectman Lyon moved, second by Selectman Jensen, to grant hawkers and vendors permit to
285 Kelsey Kilpatrick to see Education Resource Books from May 23, 2016 through May 22, 2017
286 from Monday through Friday, 9:00 a.m. to 5:00 p.m. with holidays excepted and authorize the
287 Chair of the Board to sign said permit. Motion passed unanimously, 5-0.
288

289 **8.5 3rd Grade History Week**

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291 Administrator O'Mara mentioned how enjoyable it is to see Bob Schaumann and have the third
292 graders visit Town Hall during their celebration of Amherst History Week.
293

294 **8.6 ASB/Recreation – discussion was included in Director Fraley's quarterly report.**
295 Director Fraley will re-visit the matter with the School Board.
296

297 **9. Approvals**

298

299 **9.1 Tax Collector – 2015 Tax Liens**

300

301 Selectman Jensen moved, second by Selectman Grella, to approved and sign the Notification of
302 Lien for the 2015 tax year dated May 13, 2016 as submitted by the Tax Collector. Motion passed
303 unanimously, 5-0. Chairman Brew noted that the 2015 tax lien shows the lowest number of
304 properties in the last decade and the smallest amount due.
305

306 **9.2 Tax Collector – Septic Warrants**

307

308 Selectman Lyon moved, second by Selectman Grella, to approve and sign the Quarterly
309 Maintenance Warrants for the Baboosic Lake Community Septic bills due July 1, 2016 as follows:
310 Phase I - \$4,326.48, Phase II - \$5,021.15, Phase III - \$5,567.73, and Phase IV - \$3,952.37. Motion
311 passed unanimously, 5-0.
312

313 **9.3 Assessing – Elderly Exemption**

314

315 Selectman Lyon moved, second by Vice Chairman Panasiti, to approve an Elderly Exemption for
316 Map/Lot 2-170-27 in the amount of \$107,000. Motion passed unanimously, 5-0.
317

318 **9.4 Assessing – Yield Tax Levy**

319

320 Selectman Lyon moved, second by Vice Chairman Panasiti, to approve and sign a Yield Tax Levy
321 for property located at Pavillion Road, Map/Lot 6-4 and 6-88 in the amount of \$453.59. Motion
322 passed unanimously, 5-0.
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324
325
326

327 **9.5 Assessing – Gravel Excavation Tax Levy/Tax Warrant**
328

329 Selectman Lyon moved, second by Selectman Grella, to approve Gravel Excavation Tax Levy for
330 property located at 2 Howe Drive, Map/Lot 2-34 in the amount of \$177.28. Motion passed
331 unanimously, 5-0.
332

333 **9.6 Assessing – Levy of 2016 Tax Warrant**
334

335 Selectman Lyon moved, second by Vice Chairman Panasiti, to approve, sign, and direct the tax
336 collector to collect July 2016 taxes in the amount of \$20,852,972.00. Motion passed unanimously,
337 5-0.
338

339 **9.7 Payroll Manifest**
340

341 Selectman Jensen moved, second by Vice Chairman Panasiti, to approve one (1) FY16 Payroll
342 Manifest in the amount of \$183,730.73 dated May 12, 2016, subject to review and audit. Motion
343 passed unanimously, 5-0.
344

345 **9.8 Accounts Payable Manifests**
346

347 Selectman Jensen moved, second by Vice Chairman Panasiti, to approve one (1) FY16 Accounts
348 Payable Manifest in the amount of \$34,629.90 dated May 17, 2016, subject to review and audit.
349 (Town Clerk transfers to the State of NH). Motion passed unanimously, 5-0.
350

351 Selectman Jensen moved, second by Vice Chairman Panasiti, to approve one (1) FY16 Accounts
352 Payable Manifest in the amount of \$178,357.51 dated May 17, 2016, subject to review and audit.
353 Motion passed unanimously, 5-0.
354

355 Selectman Jensen moved, second by Vice Chairman Panasiti, to approve one (1) FY16 Accounts
356 Payable Manifest in the amount of \$42.43 dated May 18, 2016, subject to review and audit.
357 Motion passed unanimously, 5-0.
358

359 Selectman Jensen moved, second by Vice Chairman Panasiti, to approve one (1) FY16 Accounts
360 Payable Manifest in the amount of \$2,146.00 dated May 23, 2016, subject to review and audit.
361 Motion passed unanimously, 5-0.
362

363 **9.9 Previous Meeting Minutes – May 9, 2016 Public Session**
364 **May 9, 2016, May 10, 2016 Non-Public**
365

366 Selectman Jensen moved, second by Vice Chairman Panasiti, to approve the Board of Selectmen
367 meeting minutes of May 9, 2016, as presented. Motion passed unanimously, 5-0.
368

369 Selectman Jensen moved, second by Vice Chairman Panasiti, to approve the Board of Selectmen
370 non-public meeting minutes of May 9, 2016, as presented. Motion passed unanimously, 5-0.
371

372 Selectman Jensen moved, second by Vice Chairman Panasiti, to approve the Board of Selectmen
373 non-public meeting minutes of May 10, 2016, as presented. Motion passed unanimously, 5-0.
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375

376 **10. New/Old Business**

377
378 **10.1 Internet Connectivity Committee Charter**

379
380 Selectman Jensen moved, second by Selectman Lyon, to approve the Internet Committee Charter
381 as presented. Motion passed unanimously, 5-0. Selectman Jensen said seven individuals have
382 expressed an interest in serving on the committee. He will post the charter on the website and
383 immediately take steps to advertise for membership on the committee.
384

385 Pursuant to NH RSA 91-A:2, II (b), Vice Chairman Panasiti moved, second by Selectman Jensen,
386 to enter into non-public session at 9:27 p.m. Roll Call: Brew-yes, Grella-yes, Jensen-yes, Lyon-
387 yes, and Panasiti-yes. Vote was unanimous, 5-0.
388

389 The Board of Selectman and Town Administrator, Jim O'Mara, discussed the hiring of a public
390 employee. Selectman Lyon moved to exit non-public session at 9:55 pm Second by Selectman
391 Jensen. Vote was unanimous, 5-0.
392

393 Chairman Brew stated that in non-public session no motions were made and no votes were taken,
394 Selectman Panasiti moved, second by Selectman Grella, to adjourn the meeting at 9:56 Vote was
395 unanimous, 5-0.
396

397 **11. Adjournment**

398
399 The meeting adjourned at 9:56
400

401 **NEXT MEETING: June 13, 2016**
402
403
404
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407
408

409 _____
410 Selectman Nate Jensen
411 Clerk, Board of Selectmen

Date